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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,987	11/14/2003	Thomas E. Walker	LK9-03-001	1544
7590	07/02/2004		EXAMINER	
Laurence R. Letson P.O. Box 910567 Lexington, KY 40591			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,987	Applicant(s) WALKER, THOMAS E.	
	Examiner Phong H Nguyen	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al. (US Pub. 2003/0,233,921 A1) in view of Cook (4,158,222).

Regarding claims 1, Garcia teaches the invention substantially as claimed including a base 22, a frame 24, a motor inherently carried by the frame, a rotary blade 26, a cutting line indicator 40 fixed to the frame having a container, and an alignment means comprising screws (78 and 130) having threaded members. See Figs. 1-15.

A lighting unit (42, 44) comprises a light source and a lens to project a spot of light. The phrase “fixed to a width dimension that is substantially equal to the width of said saw blade” in lines (15 and 16) is interpreted that the spot of light is fixed closely to the width of the kerf which is substantially equal to the width of the saw blade. See Figs. 12c and 12d. The lighting unit is laterally adjustable. See paragraph [0034].

Garcia fails to teach a lighting unit having two lenses. Cook teaches an optical system having two lenses (a first lens 32 and a second lens 34). See Figs. 1-8. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to employ a two lens optical system as taught by Cook to the lighting unit of Garcia to produce a brighter light beam.

The second lens 34 rotatably supported relative to a light source 18 and having a plurality of lens surfaces (66, 72 and 74). See Figs. 1 and 2. The second lens is rotatable to align the line of light with a kerf. The light beam after passing through second lens 34 has a fanned shape. By rotating the second lens 34, the fanned light beam is parallel with or crosses the kerf. See Figs. 1-6 in Cook.

Regarding line 8 in claim 1, the word "alignment means" does not invoke 35 U.S.C 112, para. 6 since it includes the limitations such as a screw and a container.

Regarding claim 2, the cutting line indicator in Garcia projects light beams which are positioned below and illuminates a width equal to the saw blade width. See Figs. 12c and 12d.

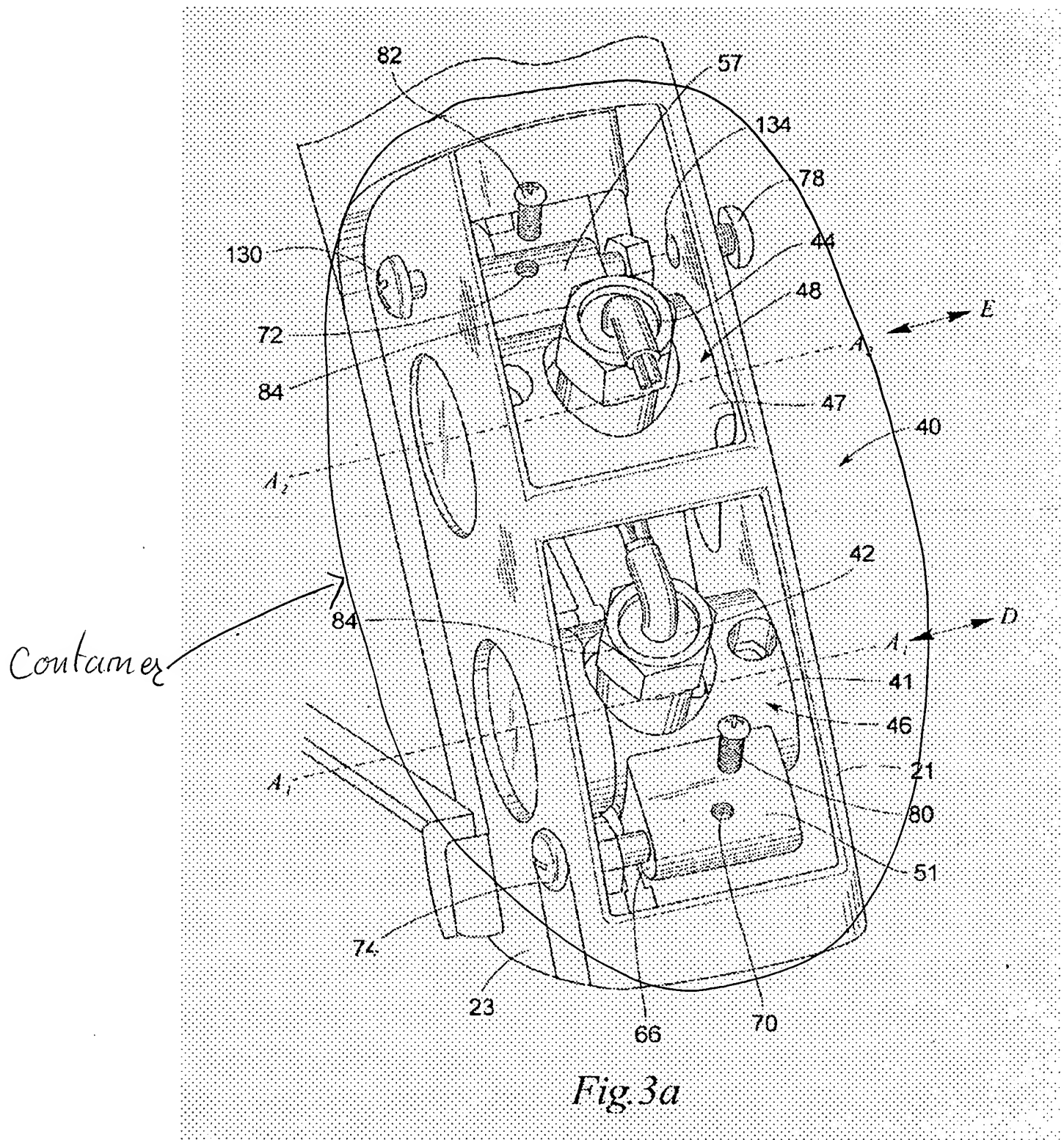
Regarding claim 3, the second lens 34 in Cook having a sinusoidal surface (72 and 74) and flat surfaces 68. See Figs. 2, 5 and 6.

Regarding claim 4, Garcia teaches laser light units (42 and 44).

Regarding claim 5, the first lens 32 in Cook produces a spot of light since it converts all rays of light from the light source into a collimated beam. The second lens produces a light line.

Regarding claims 6 and 7, see paragraph [0027].

Regarding claims 8-11, the spatial relationship of the container, the screws (78 and 130) and the saw blade is best seen in Figs. 1, 2, 3a, 3b, 5 and 6-9 in Garcia.



Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nidbella (4,257,297) and Brand et al. (4,503,740) teach saw assemblies of general interest.

Ishikawa (5,584,572) and Simms teach optical systems of general interest.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pn*

June 18, 2004


STEPHEN CHOI
PRIMARY EXAMINER